

U.S. Application No.: 09/543,844

Atty. Docket No. 09792909.0305

REMARKS

Claims 1, 2, 4, 5, and 8-28, are presently pending in the application. Claims 6 and 7 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

The Examiner has rejected Claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite, with respect to the term H, and the formula $\lambda/NA^3/t$.

The Applicants respectfully submit that the term H is not indefinite as defined in Claim 5, which states that a surface hardness of that side of the optical recording medium having the amine salt is not less than H in terms of pencil hardness. As stated in the Amendment dated October 29, 2003, H would be defined as the amount determined experimentally where the optical disc is not damaged on collision against the objective lens, and thus, is definite. Thus, H is a variable and there is no requirement that H be defined as a particular value. Accordingly, the Examiner's rejection should be withdrawn.

Further, with respect to Claim 23, Claim 23 has been amended to define the terms NA, t, and λ . *AK*

Accordingly, the Examiner's rejection should be withdrawn.

The Examiner has rejected Claims 1, 2, 4-9, 11, 14-16, 18-19, 21-22, and 24-28, under 35 U.S.C. §103 as being unpatentable over Kondo et al. in view of Aratani et al. Further, Claims 10, 12-13, 17, and 20 were rejected under 35 U.S.C. §103 as being unpatentable over Kondo et al. in view of Aratani et al. further in view of Akutsu. For the following reasons, the prior art rejections are respectfully traversed.

The Applicants respectfully submit that neither Kondo et al. nor Aratani et al. teaches or suggests an optical recording medium wherein a surface resistance of that side of the optical recording medium having the amine salt is not larger than $10^{13}\Omega$, as recited in amended Claim 1, and wherein the dynamic frictional coefficient of that side of the optical recording medium having the amine salt is not higher than 0.3, as recited in amended Claim 1 and in Claim 28.

Rather, Kondo et al. and Aratani et al. are silent with respect to the claimed features. However, in the present invention, the optical recording medium has a dynamic frictional coefficient on the recording

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medium surface, that is, on the surface of surface layer 5, of equal to 0.3 or less. This prevents the surface of the optical disc 1 from being damaged if it is slidably contacted with the objective lens (see page 13, third full paragraph).

Further, the electrical resistance of the surface of the optical disc 1 is not higher than $10^{13} \Omega$ such that a sufficient anti-electrification effect can be obtained (see page 14, first full paragraph).

Accordingly, Claims 1 and 28 are not obvious over either the individual or the combination of the Kondo et al. and Aratani et al. references, and the rejection of Claims 1 and 28 under 35 U.S.C. §103 should be withdrawn.


Further, since Claims 2, 4, 5, 8, 9, 11, 14-16, 18-19, 21-22, and 24-27, depend from Claim 1, they are also patentably distinguishable over either the individual or the combination of the Kondo et al. and Aratani et al. references for the reasons cited above with respect to Claim 1.

With respect to Claims 10, 12-13, 17, and 20, the addition of the Akutsu reference does not make up for the deficiencies in Kondo et al. and Aratani et al.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 19-3140.

Respectfully submitted,


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